



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/972,282 | 10/05/2001 | Benne Velsher | 81925.0005 | 4872 |

7590 12/11/2002
HOGAN & HARTSON L.L.P.
500 South Grand Avenue, Suite 1900
Los Angeles, CA 90071

EXAMINER

RAHLL, JERRY T

ART UNIT PAPER NUMBER

2874

DATE MAILED: 12/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/972,282

Applicant(s)

VELSHER ET AL.

Examiner

Jerry T Rahl

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

Art Unit: 2874

DETAILED ACTION

Drawings

1. The drawings filed October 5, 2001 are acceptable subject to the correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948.

Specification

2. The abstract of the disclosure is objected to because it exceeds the maximum length of 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 1-4, 6-13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,454,055 to Kragl et al.

6. Kragl et al. describes an opto-electronic package having an enclosed package, a plurality of electrical contacts (31) extending in to the enclosed package to wire bond pads (18), an optical integrated circuit (29) mounted within the package and coupled to the electrical contacts, a fiber feedthrough path (22) extending through the package, a plurality of optical fibers (34) extending through opposite ends of the package to the optical integrated circuit along a common plane and the package has opposite portions (20, 25) joined together at an interface substantially at the common plane (see Figures 1-5 and Col 2 Ln 42-Col 3 Ln 35).

7. Kragl et al. does not specifically refer to the optical integrated circuit as such. The optical component (29) described by Kragl et al. is an optical integrated circuit. Kragl et al. describes an exemplary optical component as a photodetector (see Col 2 Lns 57-59). It is well known in the art that photodetectors are opto-electronic integrated circuits. Therefore, it would have been obvious to one of ordinary skill in the art that the optical component described by Kragl et al. is an optical integrated circuit.

8. Kragl et al. further describes the opposite portions of the package as joined at the interface in the common plane a configured to form end pipes (22, 28) around the optical fibers at opposite ends of the package.

9. Kragl et al. does not describe the package body and package lid as solder sealed together or the optical fibers as solder sealed. However, Kragl et al. does describe adhesive bonding the package body to the package lid and sealing the optical fibers. Solder is a well-known type of

Art Unit: 2874

adhesive and it would have been obvious to one of ordinary skill in the art that the adhesive described by Kragl et al. could be solder.

10. The method described by Claims 15-17 is embodied by the device described above.

11. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kragl et al. and U.S. Patent No. 6,250,819 to Porte et al.

12. Kragl et al. describes an opto-electronic package, as described above.

13. Kragl et al. does not describe the plural optical fibers as arrays of optical fibers lying with in the common plane. Porte et al. describes a package with an optical integrated circuit having arrays of optical fibers (5', 5") extending through opposite ends of the package to the optical integrated circuit, the arrays of fibers using a hollowed out feedthrough path of multiple grooves and the package has opposite portions (1, 3) joined together at an interface substantially at the common plane (see Figures 1 and 4-6 and Col 6 Ln 66-Col 7 Ln 59). It would have been obvious to one of ordinary skill in the art to use the fiber arrays and multiple grooves described by Porte et al. the package described by Kragl et al. to allow for the use of optical components that require multiple optical inputs/outputs.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry T Rahll whose telephone number is (703) 306-0031. The examiner can normally be reached on M-F (8:00-5:30), with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308-4819. The fax phone numbers for

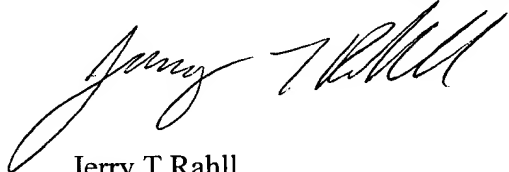
Application/Control Number: 09/972,282

Page 5

Art Unit: 2874

the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Jerry T Rahll
December 6, 2002

